

REMARKS

Claim Rejections – 35 USC §102

Claims 1-4, 7-9, 11, 13-15 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bogdanowicz et al. U.S. Patent 6,122,006.

Claim Rejections – 35 USC § 103

Claims 5-6, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogdanowicz et al. U.S. Patent 6,122,006 in view of Parulski et al U.S. Patent 5,001,663.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bogdanowicz et al. U.S. Patent 6,122,006 in view of Giorgianni et al. U.S. Patent 5,582,961.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bogdanowicz et al. U.S. Patent 6,122,006 in view of Hata U.S. Patent 6,100,928.

Claims 1, 11, 13, 17, 20, and 21 herewith are amended.

Reconsideration and allowance of the claims as amended is requested for the following reasons.

The present invention is directed to providing a set of specifically designed system spectral product curves (SSPC) that are substantially approximated by a linear combination of a set of spectral curves characteristic of the film system. This claimed feature alone enables the Applicants' present invention to work independently of any calibration charts/procedures. Claims 1, 11, 13, 17, 20, and 21 have been amended to emphasize and/or further clarify the feature of the SSPC making calibration procedures unnecessary. Support for the amended claim can be found in the specification on page 9, line 19 through page 10, line 10; page 15, lines 15-26, with respect to Fig. 4, and page 20, lines 1-16.

The 102 Rejections

Referring to independent claims 1, 11, 13, 17, 20, and 21, the Applicants claim a set of system spectral product curves (SSPC), specifically designed, such that it is substantially approximated by a linear combination of a set of spectral curves characteristic of a film system. This feature alone allows the Applicants' system to work independently of any calibration charts/procedures. Bogdanowicz's SSPC is that of a generic electronic sensor combined with a generic color filter array. As a consequence, his system requires a calibration procedure, along with calibration charts, in order to transform R, G, B electronic sensor exposure signals into R, G, B film system exposure signals. See, Bogdanowicz '006 Fig. 3—element S4, and col. 3:16-23.

The claims are novel because one of Applicant's features is missing in the cited art. The remainder of the claims are dependent from these claims and are considered to be patentable for at least the same reasons.

Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(e).

The 103 Rejections

Regarding the claims rejected pursuant to 35 U.S.C., the cited reference of Bogdanowicz '006 is, according to the Examiner, a 102(e) prior art reference and as such is not available for use under 103, where the 102(e) prior art patent and Applicants' subject application are commonly assigned or under an obligation to assign to a common assignee at the time the invention of the subject application was made.

Statement of Common Ownership

The subject matter of the cited patent U.S. Patent No. 6,122,006 and the claimed invention of the present application No. 09/697,800 were, at the time the invention was made, owned by the assignee Eastman Kodak Company.

In the alternative, the Applicants claim a set of system spectral product curves (SSPC), specifically designed, such that it is substantially approximated by a linear combination of a set of spectral curves characteristic of a film system. This feature alone allows the Applicants' system to work independently of any calibration charts/procedures. None of the cited

combinations of prior art involving Bogdanowicz '006 address this claimed feature. Examiner has failed to make a *prima facie* case, because at least one of Applicant's features is missing in the cited combinations.

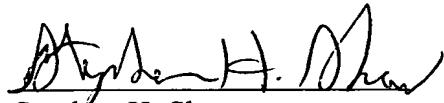
Moreover, the Applicants believe that Bogdanowicz '006 teaches against the invention, because Bogdanowicz '006 requires calibration procedures and the present invention obviates the need for such calibration procedures by implementing a set of electronic camera system spectral product curves that are substantially approximated by a linear combination of a set of spectral product curves characteristic of the film system.

Specifically, since neither Bogdanowicz '006 nor Parulski '663, nor Giorgianni '961, nor Hata '928 discuss the problem of how to obviate the need for calibration procedures according to image capture, there would be no motivation in the cited art to modify the teaching of Bogdanowicz '006 in light of Parulski '663, or Giorgianni '961, or Hata '928. Furthermore, even if the teaching of Bogdanowicz '006 were modified in light of Parulski '663, or Giorgianni '961, or Hata '928, Applicants' invention would not result, since neither Bogdanowicz '006 nor Parulski '663, nor Giorgianni '961, nor Hata '928 teach, show, or suggest a set of electronic camera system spectral product curves that are substantially approximated by a linear combination of a set of spectral product curves characteristic of the film system that obviate the need for calibration procedures according to image capture. Hence, it is believed that claims 5-6, 16 and 23 are unobvious in light of the combination Bogdanowicz '006 in view of Parulski '663, as is claim 10 unobvious in light of the combination Bogdanowicz '006 in view of Giorgianni '961, as is claim 12 unobvious in light of the combination Bogdanowicz '006 in view of Hata '928.

Applicants have reviewed the cited art made of record, including and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable. It is believed that the claims in the application are allowable over the cited art and such allowance is respectfully requested.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



Stephen H. Shaw
Attorney for Applicant(s)
Registration No. 45,404

SHS/RGR
Rochester, NY 14650
Telephone: 585-477-7419
Facsimile: 585-477-4646